

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled **LOW-VOLTAGE HIGH-RESOLUTION EINZEL GUN**, the specification of which

☒ [ X ] is attached hereto [    ] was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority provisional application benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate, or provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate, or provisional application(s) having a filing date before that of the application on which priority is claimed:

<b>Prior Foreign Application(s) or U.S. Provisional Application(s):</b>			<b>Priority Claimed</b>	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year</u>	<u>Yes</u>	<u>No</u>

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U. S. Application(s):**

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Eric Gifford, Registration No. 33,501 of

MEMSolutions, Inc.  
5706 Corsa Avenue  
Suite 100  
Westlake Village, California 91362

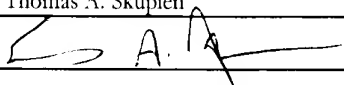
with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I also hereby appoint the following attorney(s) and/or agent(s): Daniel Y.J. Kim, Registration No. 36,186; Mark L. Fleshner, Registration No. 34,596; Carl R. Wesolowski, Registration No. 40,372; John C. Eisenhart, Registration No. 38,128; and Rene A. Vazquez, Registration No. 38,647, all of

The Law Offices of  
FLESHNER & KIM  
P. O. Box 221200  
Chantilly, Virginia 20153-1200

with full power to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All future correspondence in connection with this application should be sent to THE LAW OFFICES OF FLESHNER & KIM, at the address listed above.

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Full name of joint inventor(s): Thomas A. Skupien  
Inventor's signature:  Date: 11/2/99  
Residence: 1107 Raven Crest Apartments, Georgetown Road, Frankfort, KY 40601  
Citizenship: United States  
Post Office Address:

\*\*\*\*\*

Full name of sole or first inventor:  
Inventor's signature: Date:  
Residence:  
Post Office Address:

Applicant or Patentee: Thomas A. Skupien

Attorney's Docket No.: MEMS-038

Serial or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: LOW-VOLTAGE HIGH-RESOLUTION EINZEL GUN

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern  
identified below:

NAME OF ORGANIZATION: MEMSolutions, Inc.

ADDRESS OF ORGANIZATION: 5706 Corsa Ave. Suite 100, Westlake Village, California 91362

I hereby declare that the above identified small business concern qualified as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled LOW-VOLTAGE HIGH-RESOLUTION EINZEL GUN by inventor(s) Thomas A. Skupien described in

- ☒ the specification filed herewith.  
☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Jeff Pace

TITLE IN ORGANIZATION: Chief Financial Officer

ADDRESS OF PERSON SIGNING: 4285 Mildred Avenue, Los Angeles, California 90066

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_